

## Message

**From:** Wilson, Kristina (DEQ) [WilsonK17@michigan.gov]  
**Sent:** 3/7/2018 11:19:18 PM  
**To:** jking@king-macgregor.com [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=user5cb31d8d]; 'Donohue, Dennis' [DDonohue@wnj.com]  
**CC:** 'Nimmer, Mike' [Mike.Nimmer@Foth.com]; 'Donald Tilton' [dtilton48@sbcglobal.net]; Burdick, Melanie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc0fae2c6b7a43ec8b577d3689229aea-MHaveman]; Fish, Kim (DEQ) [FISHK@michigan.gov]; Teresa Seidel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userffbc69ab]; Van Dyke, Jill (DEQ) [VandykeJ1@michigan.gov]  
**Subject:** RE: Aquila Back 40 Meeting March 12 12:30 p.m. EST

Jeff and Dennis,

There have been a number of conversations today regarding the potential submittal of a response to the DEQ's January 19<sup>th</sup> request for clarification prior to Monday's scheduled meeting. After many conversations, I would like to clarify our understanding of the purpose of the scheduled meeting and how we feel that the WRD can best support the applicant in this process. This meeting was originally requested at the end of January on behalf of the applicant to discuss the current status of the application and the response to the January 19<sup>th</sup> letter. At that time, it was relayed to the DEQ that the applicant's team would like to present information to the WRD for their consideration and discussion. After receiving the meeting request and discussing how we can best support the applicant, we determined that the best way to have a productive meeting was to directly discuss the details of what the DEQ has found in the application that was a basis for the January letter. Jeff came to our Marquette office on February 8<sup>th</sup>. Don joined us by phone, and we had a thorough discussion of the January letter and some of the approaches that the applicant's team was taking to address the DEQ's questions and provide information to support the conclusions presented in the application.

At the applicant's request, we have scheduled a meeting for next week Monday and have asked the applicant's team to provide us with a response to the January letter and an agenda prior to the meeting. It is our understanding that the applicant's team would like to receive comments and suggestions on the draft document materials prior to submitting a final response. We understand that the applicant does not want to submit a draft document as a response to the January letter; however, the DEQ is unable to provide significant comments on documents that we are not able to thoroughly review. To make Monday's meeting productive for all parties involved, the DEQ would like to be able to comprehensively review the materials prior to the meeting so that we can contribute to a meaningful discussion on the details of the information presented. The DEQ will not be able to provide significant comment on any materials that are presented during the meeting without the benefit of reviewing the information in a way that we can incorporate the new material into the current technical and regulatory review, which is a process that takes more time than a meeting format can allow.

To this extent, I would like to offer the following options that we believe may best serve the applicant in this process...

Earlier today, you offered to present the draft documents in a GoToMeeting format prior to Monday's meeting. The DEQ will not be able to provide you significant comment on materials presented in that suggested format; we may be able to provide you general comments on the materials. If you would like to receive general comments, we are available and amenable to participate in a GoToMeeting in which your team can present information and we can discuss what is being presented. From that discussion, your team may have enough information to submit a final response to the January letter. At that time, the DEQ can thoroughly review the information and, if you believe it beneficial, we can schedule a meeting to discuss the response to the January letter.

Alternatively, we believe that the best information and discussion will result if we are all well prepared for Monday's meeting. To this extent, we believe it best if you submit a full draft version of the response that we can review over the next several days to allow us to bring significant comments and questions to the meeting. We believe that this will

provide the best information to all parties and allow the DEQ to engage in meaningful discussion with your team on Monday.

Please let me know what you believe will work best for your team as we look at the upcoming weeks and our pending processing deadline. Thank you.

Kristi Wilson  
Department of Environmental Quality  
Water Resources Division  
Upper Peninsula District Office  
1504 W Washington Street  
Marquette, MI 49855  
906-236-0380

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**From:** Jeff King [mailto:jking@king-macgregor.com]  
**Sent:** Wednesday, March 7, 2018 11:20 AM  
**To:** 'Donohue, Dennis' <DDonohue@wnj.com>; Laudazio, Jennifer (DEQ) <LaudazioJ@michigan.gov>  
**Cc:** 'Nimmer, Mike' <Mike.Nimmer@Foth.com>; 'Donald Tilton' <dtilton48@sbcglobal.net>; 'Burdick, Melanie' <Burdick.Melanie@epa.gov>; Wilson, Kristina (DEQ) <WilsonK17@michigan.gov>; Fish, Kim (DEQ) <FISHK@michigan.gov>; Seidel, Teresa (DEQ) <SEIDELT@michigan.gov>  
**Subject:** RE: Aquila Back 40 Meeting March 12 12:30 p.m. EST

Dennis ---

Thank you. Yes, we will need a computer with projection for ease of viewing certain documents. We should be able to email them to Don and Melanie as well. Also, we will be providing a draft agenda within the next couple of days.

Jeff

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**From:** Donohue, Dennis [mailto:DDonohue@wnj.com]  
**Sent:** Wednesday, March 07, 2018 11:16 AM  
**To:** Jeff King <jking@king-macgregor.com>; 'Laudazio, Jennifer (DEQ)' <LaudazioJ@michigan.gov>  
**Cc:** 'Nimmer, Mike' <Mike.Nimmer@Foth.com>; 'Donald Tilton' <dtilton48@sbcglobal.net>; 'Burdick, Melanie' <Burdick.Melanie@epa.gov>; 'Wilson, Kristina (DEQ)' <WilsonK17@michigan.gov>; 'Fish, Kim (DEQ)' <FISHK@michigan.gov>; 'Seidel, Teresa (DEQ)' <SEIDELT@michigan.gov>  
**Subject:** RE: Aquila Back 40 Meeting March 12 12:30 p.m. EST

Troy Cumings may drop by as well.

Mike—and Jeff—do you think we will need a projector for any slides?

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**From:** Jeff King [mailto:jking@king-macgregor.com]  
**Sent:** Wednesday, March 7, 2018 11:14 AM  
**To:** 'Laudazio, Jennifer (DEQ)' <LaudazioJ@michigan.gov>  
**Cc:** Donohue, Dennis <DDonohue@wnj.com>; 'Nimmer, Mike' <Mike.Nimmer@Foth.com>; 'Donald Tilton' <dtilton48@sbcglobal.net>; 'Burdick, Melanie' <Burdick.Melanie@epa.gov>; 'Wilson, Kristina (DEQ)' <WilsonK17@michigan.gov>; 'Fish, Kim (DEQ)' <FISHK@michigan.gov>; 'Seidel, Teresa (DEQ)' <SEIDELT@michigan.gov>  
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Hi Jenni --

Thank you for setting this meeting up. I am copying Don Tilton and Melanie Burdick, hoping they both can call in. Otherwise, as far as I know at the moment, the other two attendees besides me will be Dennis Donahue and Mike Nimmer. If I am incorrect about that and anything changes, I will let you know ASAP.

Thanks again.

Jeff

-----Original Appointment-----

**From:** Laudazio, Jennifer (DEQ) [<mailto:LaudazioJ@michigan.gov>]

**Sent:** Wednesday, March 07, 2018 10:57 AM

**To:** Seidel, Teresa (DEQ); Fish, Kim (DEQ); Wilson, Kristina (DEQ); Van Dyke, Jill (DEQ); Pennington, Michael (DEQ); Jeff King

**Cc:** Smith, Laura (DEQ)

**Subject:** Aquila Back 40 Meeting

**When:** Monday, March 12, 2018 12:30 PM-2:30 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** CH-2S-WILLIAM-FORD

Jeff, please let me know ASAP if this time doesn't work for the other attendees. Thanks,

Access Toll Free Number: 888-278-0296

Access Code: 5967879

Host Password (Kim only): 6396

Jenni

517-284-6668